THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 6858 of 2007

Dated 5th April 2007

Between:

Akudari Lachaiah

... Petitioner

and

The Secretary, Road Transport Authority,
Mancherial, Adilabad District & another

... Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 6858 OF 2007

O R D E R:

The Tractor and Trailer of the petitioner, bearing No.AP-1U-3273 and AP-1E-3182, were seized on 27.11.2006, on the ground that the petitioner failed to produce the necessary documents, in relation to it. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 27.11.2006, issued by the 2nd respondent, discloses that the petitioner did not produce Permit, Driving Licence, Fitness Certificate and proof of payment of tax. Certain other lapses were also pointed out. The liability of the petitioner, in the context of these observations, needs to be

established, in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent, till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected, by imposing necessary conditions, while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a) The Tractor and Trailer, bearing No. AP-1U-3273 and AP-1E-3182, shall be released to the petitioner, on his depositing a sum of Rs.5,000/- (Rupees Five Thousand Only).

b) The petitioner shall also furnish an undertaking, to the effect that he shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized, and that he shall produce the vehicle, as and when required.

c) The petitioner shall be entitled to operate the vehicle only after paying the dues of tax, if any.

There shall be no order as to costs.

5th April 2007

Note: Issue C.C. in three days.

(B/o)

PAN